

110TH CONGRESS
2D SESSION

H. R. 5864

To designate Puerto Mosquito Bay National Marine Sanctuary in Puerto Rico, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 22, 2008

Mr. FORTUÑO introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To designate Puerto Mosquito Bay National Marine Sanctuary in Puerto Rico, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Vieques Biolumines-
5 cent Bay Conservation Act of 2008”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) The island of Vieques, Puerto Rico, is
9 known for the natural beauty of its coastal features
10 such as beaches, lagoons, and bioluminescent bays.

1 (2) Such bioluminescence is the result of the
2 production and emission of light by a chemical reac-
3 tion within a living organism, the dinoflagellate
4 Pyrodinium bahamense, when it is agitated.

5 (3) Puerto Mosquito Bay in Vieques is of na-
6 tional and international significance because it is
7 among the brightest bioluminescent marine areas in
8 the world.

9 (4) The unique biological and physical prop-
10 erties of Puerto Mosquito Bay, such as its rate of
11 water exchange with the ocean, water quality, and
12 adjacent mangroves, contribute to a high density of
13 the bioluminescent dinoflagellate Pyrodinium
14 bahamense in its waters.

15 (5) Puerto Mosquito Bay is of great ecological,
16 cultural, scientific, educational, and economic value
17 to present and future generations.

18 (6) Puerto Mosquito Bay is of particular value
19 to the residents of Puerto Rico because its nearly
20 unparalleled bioluminescence creates a sense of local
21 pride, wonder, and enjoyment, and attracts visitors
22 who support the local economy.

23 (7) Puerto Mosquito Bay's ecosystem is fragile
24 and its ecological integrity is subject to damage or
25 loss from a variety of potential disturbances.

1 (8) The popularity of Puerto Mosquito Bay is
2 a potential threat because of increasing visitation
3 and related impacts.

4 (9) The unique characteristics of Puerto Mos-
5 quito Bay also make it vulnerable to physical, bio-
6 logical, and other disturbances as in other docu-
7 mented cases where bioluminescent bays have been
8 degraded.

9 (10) Action is needed to provide comprehensive
10 protection that would complement current Federal
11 and local management activities.

12 (11) The agencies of the United States need to
13 cooperate fully to achieve the necessary protection of
14 both terrestrial areas adjacent to and marine re-
15 sources within Puerto Mosquito Bay.

16 (12) The Federal Government and the Govern-
17 ment of Puerto Rico should jointly develop and im-
18 plement a comprehensive program to protect nearby
19 terrestrial and marine areas to maintain water qual-
20 ity and other environmental characteristics that con-
21 tribute to the unique nature of Puerto Mosquito
22 Bay.

23 (13) Designation of Puerto Mosquito Bay as a
24 United Nations Educational, Scientific, and Cultural
25 Organization Biosphere Reserve would complement

1 designation as a National Marine Sanctuary by en-
2 hancing research, management, and education
3 through international communication and coopera-
4 tion.

5 **SEC. 3. POLICY AND PURPOSES.**

6 (a) POLICY.—It is the policy of the United States to
7 protect and preserve the natural resources of Puerto Mos-
8 quito Bay, Puerto Rico, with special consideration for the
9 bioluminescent organisms that make this area unique.

10 (b) PURPOSES.—The purposes of this Act are—

11 (1) to protect the resources of the area of Puer-
12 to Mosquito Bay, Puerto Rico, described in section
13 4(b);

14 (2) to educate and interpret for the public the
15 unique elements of the Puerto Mosquito Bay envi-
16 ronment;

17 (3) to utilize the best available science to mon-
18 itor and manage the sanctuary to ensure its survival;
19 and

20 (4) to manage human uses of the Puerto Mos-
21 quito Bay National Marine Sanctuary designated by
22 section 4(a) consistent with this Act.

23 **SEC. 4. SANCTUARY DESIGNATION.**

24 (a) DESIGNATION.—The area described in subsection

25 (b) is designated as the Puerto Mosquito Bay National

1 Marine Sanctuary under title III of the Marine Protection,
2 Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431
3 et seq.) (in this Act referred to as the “Sanctuary”).

4 (b) AREAS INCLUDED.—Except as provided in sub-
5 sections (c) and (d), the Sanctuary consists of the sub-
6 merged lands and waters of Puerto Mosquito Bay land-
7 ward of the point where the bay meets the ocean.

8 (c) EFFECT OF OBJECTION BY GOVERNOR.—

9 (1) OBJECTION TO DESIGNATION.—If within 45
10 days after the date of the enactment of this title the
11 Governor of Puerto Rico certifies to the Secretary of
12 Commerce that the designation under subsection (a)
13 of any area of the Sanctuary is unacceptable, the
14 designation shall not take effect in that area.

15 (2) OBJECTION TO MANAGEMENT PLAN OR
16 REGULATIONS.—If within 45 days after the date of
17 issuance of the comprehensive management plan and
18 implementing regulations under section 5 the Gov-
19 ernor of Puerto Rico certifies to the Secretary that
20 the management plan, any implementing regulation,
21 or any term of the plan or regulations is unaccept-
22 able, the management plan, regulation, or term, re-
23 spectively, shall not take effect.

24 (3) TERMINATION OF DESIGNATION.—If the
25 Secretary considers that an action taken under para-

1 graph (1) or (2) by the Governor of Puerto Rico will
2 affect the Sanctuary in a manner that the policy and
3 purposes of this Act cannot be fulfilled, the Sec-
4 retary may terminate the entire designation under
5 subsection (a). At least 30 days prior to such termi-
6 nation, the Secretary shall submit written notifica-
7 tion of the proposed termination to the Committee
8 on Commerce, Science, and Transportation of the
9 Senate and the Committee on Natural Resources of
10 the House of Representatives.

11 (d) BOUNDARY MODIFICATIONS.—No later than the
12 date of issuance of the draft environmental impact state-
13 ment for the Sanctuary under section 304(a)(1)(C)(vii) of
14 the Marine Protection, Research, and Sanctuaries Act of
15 1972 (16 U.S.C. 1434(a)(1)(C)(vii)), the Secretary, in
16 consultation with the Governor of Puerto Rico, if appro-
17 priate, may make modifications to the boundaries of the
18 Sanctuary as necessary to fulfill the purposes of this Act.
19 The Secretary shall submit to the Committee on Com-
20 merce, Science, and Transportation of the Senate and the
21 Committee on Natural Resources of the House of Rep-
22 resentatives written notification of such modifications.

23 **SEC. 5. COMPREHENSIVE MANAGEMENT PLAN.**

24 (a) PREPARATION OF PLAN.—Not later than 18
25 months after the date of enactment of this Act, the Sec-

1 retary of Commerce, in consultation with interested per-
2 sons and appropriate Federal, Puerto Rico, and local gov-
3 ernment authorities, shall issue a comprehensive manage-
4 ment plan and implementing regulations to achieve the
5 policy and purposes of this Act. In developing the plan
6 and regulations, the Secretary of Commerce shall follow
7 the procedures specified in sections 303 and 304 of the
8 Marine Protection, Research, and Sanctuaries Act of 1972
9 (16 U.S.C. 1433 and 1434). Such comprehensive manage-
10 ment plan shall—

11 (1) facilitate all public and private uses of the
12 Sanctuary consistent with the primary objective of
13 Sanctuary resource protection;

14 (2) set forth the allocation of Federal and State
15 enforcement responsibilities, as jointly agreed by the
16 Secretary and the Governor of Puerto Rico;

17 (3) identify needs for research and establish a
18 long-term ecological monitoring program;

19 (4) identify potential threats to the Sanctuary
20 from lands surrounding Puerto Mosquito Bay and
21 from marine areas outside the mouth of the Bay;

22 (5) identify alternative sources of funding need-
23 ed to fully implement the plan's provisions and sup-
24 plement appropriations made available under this
25 Act and section 313 of the Marine Protection, Re-

1 search, and Sanctuaries Act of 1972 (16 U.S.C.
2 1444);

3 (6) ensure coordination and cooperation be-
4 tween Sanctuary managers and other Federal, Puer-
5 to Rico, and local authorities with jurisdiction within
6 or adjacent to the Sanctuary; and

7 (7) promote education, among users of the
8 Sanctuary, about mangrove conservation and water
9 quality concerns.

10 (b) PUBLIC PARTICIPATION.—The Secretary of Com-
11 merce shall provide for participation by the general public
12 in the development of the comprehensive management
13 plan.

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